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HARPERCOLLINS PUBLISHERS L.L.C.

11
12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**

14 ANTHONY PETRU and MARCUS MATHIS,
Individually and on Behalf of All Others Similarly
Situated,

15 Plaintiffs,

16 vs.

17 APPLE INC.; HACHETTE BOOK GROUP, INC.;
HARPERCOLLINS PUBLISHERS, INC.;
18 MACMILLAN PUBLISHERS, INC.; PENGUIN
GROUP (USA) INC.; and SIMON & SCHUSTER,
19 INC.,

20 Defendants.

CASE NO. 3:11-CV-03892-EMC

21 GRETCHEN ULBEE, Individually and on Behalf of
All Others Similarly Situated,

22 Plaintiff,

23 vs.

24 APPLE INC.; HACHETTE BOOK GROUP, INC.;
HARPERCOLLINS PUBLISHERS, INC.;
25 MACMILLAN PUBLISHERS, INC.; PENGUIN
GROUP (USA) INC.; and SIMON & SCHUSTER,
26 INC.,

27 Defendants.

CASE NO. 4:11-CV-04490-DMR

**DECLARATION OF RICHARD S.
HORVATH, JR. IN SUPPORT OF
THE ADMINISTRATIVE MOTION
TO RELATE CASES**

1
2 I, Richard S. Horvath, Jr. declare as follows:

3 1. I am an attorney licensed to practice law in the State of California and am an
4 associate at the law firm of Skadden, Arps, Slate, Meagher & Flom LLP, attorneys for specially
5 appearing defendant HarperCollins Publishers L.L.C. (incorrectly sued herein as "HarperCollins
6 Publishers, Inc.") in all of the above-captioned matters. I submit this Declaration in Support of
7 HarperCollins' Administrative Motion To Relate Cases (the "Administrative Motion"). Unless
8 otherwise stated, I have personal knowledge of the facts set forth below and, if called as a witness,
9 I could and would testify competently thereto.

10 2. On August 9, 2011 a complaint was filed in *Petru, et al. v. Apple, Inc., et al.* (11-cv-
11 3892 N.D. Cal.) (the "*Petru* Action"). A true and correct copy of the complaint filed in the *Petru*
12 Action is attached hereto as Exhibit A.

13 3. On September 2, 2011, Hon. Edward M. Chen issued an order relating *Diamond v.*
14 *Apple, Inc. et al.* (11-cv-3954 N.D. Cal.); *Gilstrap et. al. v. Apple, Inc. et al.* (11-cv-4035 N.D.
15 Cal.); and *Albeck v. Apple, Inc. et al.* (11-cv-4110 N.D. Cal.) to the *Petru* Action.

16 4. On September 9, 2011, a complaint was filed in *Ulbee v. Apple Inc., et al.* (11-cv-
17 4490 N.D. Cal.) (the "*Ulbee* Action"). A true and correct copy of the complaint filed in the *Ulbee*
18 Action is attached hereto as Exhibit B.

19 5. On October 5, 2011, Hon. Edward M. Chen issued an order relating *Key v. Apple,*
20 *Inc. et al.* (11-cv-04754 N.D. Cal.) to the *Petru* Action.

21 6. On October 13, 2011, Hon. Edward M. Chen issued an order relating *Ruane-*
22 *Gonzales v. Apple Inc., et al.* (11-cv-4500 N.D. Cal.) to the *Petru* Action.

23 7. On October 31, 2011, Hon. Edward M. Chen issued an order relating *Rivers v.*
24 *McMillan et. al.* (11-cv-05080 N.D. Cal.) to the *Petru* Action.

25 8. Motions to relate *Rossman, et al. v. Apple Inc., et al.* (11-cv-04191 N. D. Cal.) and
26 *Miller, et al. v. Apple Inc., et al.* (11-cv-05019-JCS N.D. Cal.) to the *Petru* Action are currently
27 pending in this Court.
28

9. On November 2, 2011, I informed Jeff D. Friedman, counsel for plaintiff Gretchen Ulbee, of HarperCollins' intention to move to relate the *Ulbee* Action to the *Petru* Action. Mr. Friedman informed me that Ms. Ulbee would not oppose such motion.

10. Defendants to the *Ulbee* Action have informed me they do not oppose HarperCollins' motion to relate the *Ulbee* Action to the *Petru* Action.

I declare under penalty of perjury that the foregoing facts are true and correct and that this declaration was executed on this third day of November, 2011, in Palo Alto, California.

By: Richard S. Horvath, Jr.